UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,300	07/12/2001	Thomas Joshua Shafron	694231/0006	2075

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EXAMINER
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ART UNIT	PAPER NUMBER
2157	8

DATE MAILED: 01/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _07/12/2001_ .

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-62_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-62_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _12 July 2001_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _7_ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Drawings

1.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: note reference numeral 1200 in Fig. 7, page 18, line 14. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

2.   Claim **10** is objected to because of the following informalities: wherein the function of the first control further comprises and instant message function to enable the user of the first computer to send an instant message to a member of the synchronization group should read as wherein the function of the first control further comprises *an* instant message function to enable the user of the first computer to send an instant message to a member of the synchronization group. Appropriate correction is required.

3.   Claim **22** is objected to because of the following informalities: wherein the function of the first control further comprises and instant message function to enable a user of the first computer to send an instant message to a member of the synchronization group, and wherein the function of the first control further comprises and instant message function to enable a user of the first computer to send an instant message to a member of the synchronization group should read as wherein the function of the first control further comprises *an* instant message function to enable a user of the first computer to send an instant message to a member of the synchronization group, and wherein the function of the *second* control further comprises and instant message

function to enable a user of the *second* computer to send an instant message to a member of the

synchronization group. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims **1, 2, 4-11, 12, 14, 16-24, 30, 32, 34, 36-39, 41, 42-45, 47-50, 56, 58, 60,** and **62**

are rejected under 35 U.S.C. 102(b) as being anticipated by Anupam et al (hereinafter,

"Anupam", 5,862,330).

As per claims **1** and **36**, Anupam discloses a method and system for enabling a first

computer to communicate and exchange data with a second computer, the first and second

computer being connectable via a server (see Abstract, and Fig. 1), the second computer having a

second script and a second control loaded thereon and operable therewith (col. 3, lines 5-14, lines

20-35, lines 63-67, and col. 4, lines 1-5), said method and system comprising a processor

provided on the server and operable in connection with software loaded on the server (col. 6,

lines 19-22, and lines 26-29) comprising the steps of:

- downloading, to the first computer, computer code comprising a first script operable in

    connection with the first computer for accessing a function of a first control loaded on

    the first computer (col. 3, lines 1-14, and lines 24-31), the first script being further

operable for receiving data input by a user of the first computer and for causing the first

control to communicate with the server and to transmit the data input by the user to the

server (col. 1, lines 54-67, col. 2, lines 1-3, col. 3, lines 1-14, lines 20-42 and col. 5,

lines 35-46); and

- causing the server to transmit the data received from the first script to the second

  computer for receipt by the second control (col. 3, lines 33-42, and col. 5, lines 35-46).

As per claim **4**, Anupam discloses:

- wherein the first script can display data output to the user of the first computer (col. 3,

  lines 1-14, and lines 20-42).

As per claims **11**, and **42**, Anupam further discloses:

- downloading, to the second computer, second computer code comprising a second script

  operable in connection with the second computer for accessing a function of a second

  control loaded on the second computer (col. 3, lines 1-14, and lines 24-31), the second

  script being further operable for receiving data input by user of the second computer

  (col. 1, lines 54-67, col. 2, lines 1-3, col. 3, lines 5-14, lines 20-31, lines 63-67, col. 4,

  lines 1-5, and col. 5, lines 35-46).

As per claim **16**, Anupam further discloses:

- wherein the second script can display data output to the user of the first computer (col.

  3, lines 1-14, lines 20-42, and col. 4, lines 41-43).

As per claims **2**, **12**, and **39**, Anupam discloses:

- wherein the computer code further comprises the first control (col. 1, lines 54-67, col. 3,

  lines 20-23, and Fig. 1).

As per claims **14** and **45**, Anupam discloses:

- wherein the second computer code further comprises the second control (col. 1, lines 54-67, col. 3, lines 20-23, and Fig. 1).

As per claims **8, 20, 41, 47,** and **48**, Anupam discloses:

- wherein the first script is operable in connection with the first computer by opening a web page containing the first script (col. 3, lines 33-42, and col. 4, lines 18-26), and

- wherein the second script is operable in connection with the second computer by opening a web page containing the second script (col. 3, lines 63-67, col. 4, lines 1-5, and lines 18-26).

As per claims **9, 21, 23, 37, 43,** and **49**, Anupam discloses:

- wherein the server has defined in a database thereon a synchronization group (col. 3, lines 58-63), wherein the function of the first and second control comprises:

- a login function to enable the user of the first and second computer to login to the synchronization group (col. 2, lines 52-56, and col. 3, lines 43-56);

- a synchronization function to enable the user of the first and second computer to synchronize with a member of the synchronization group (col. 43-67, col. 4, lines 1-5, and lines 18-26); and

- a navigation function to enable control of the Internet navigation of the first and second computer (abstract).

As per claim **62**, Anupam discloses:

- a first control operable in connection with said processor and in communication with the Internet browser (col. 1, lines 54-67, and col. 3, lines 20-23).

- a script operable in connection with said processor and in communication with said
  control for receiving Internet navigation data therefrom (col. 3, lines 5-14, and lines 24-
  31);

- a second control operable in connection with said processor and having a function
  defined therein and being in communication with said script from receiving data
  therefrom (col. 1, lines 54-67, col. 3, lines 5-14, and lines 20-31), said second control
  receiving Internet navigation data from said script and transmitting the Internet
  navigation to the server so as to control the Internet navigation of the second computer
  based upon the Internet navigation of said computer (col. 4, lines 18-26, and col. 5, lines
  35-46).

As per claims **6** and **18**, Anupam discloses:

- wherein the first script can call a function of the first control (col. 3, lines 5-14).

As per claims **5, 7, 17,** and **19**, Anupam discloses:

- wherein the first script can send data to and receive data from the first control (col. 3,
  lines 5-14, lines 24-31, and col. 4, lines 18-26), and

- wherein the second script can send data to and receive data from the second control (col.
  3, lines 5-14, lines 24-31, and col. 4, lines 18-26).

As per claims **10, 22, 38,** and **44**, Anupam discloses:

- wherein the function of the first control further comprises an instant message function to
  enable a user of the first computer to send an instant message to a member of the
  synchronization group (col. 4, lines 32-36, and col. 5, lines 13-20), and

- wherein the function of the second control further comprises an instant message
  function to enable the user of the second computer to send an instant message to a
  member of the synchronization group (col. 4, lines 32-36, and col. 5, lines 13-20).

As per claim **24**, Anupam discloses:

- the step of enabling the user of the first computer to send an instant message to the user
  of the second computer (col. 4, lines 32-36, and col. 5, lines 13-20).

As per claims **30** and **56**, Anupam discloses:

- the step of enabling the user of the second computer to login to the synchronization
  group (col. 2, lines 52-56, and col. 3, lines 43-56).

As per claim **32**, Anupam discloses:

- the step of enabling the user of the second computer to synchronize with user of the first
  computer (col. 43-67, col. 4, lines 1-5, and lines 18-26).

As per claim **34**, Anupam discloses:

- the step of enabling the user of the second computer to send an instant message to the
  user of the first computer (col. 4, lines 32-36, and col. 5, lines 13-20).

As per claims **50**, **58**, and **60**, Anupam discloses:

- wherein said processor being further operable in connection with software to enable the
  user of the first and second computer to send an instant message to a member of the
  synchronization group (col. 4, lines 32-36, and col. 5, lines 13-20).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 3, 13, 15, 25- 29, 31, 33, 35, 40, 46, 51-55, 57, 59 and 61 are rejected under 35

U.S.C. 103(a) as being unpatentable over Anupam in view of Mitchell et al (hereinafter,

"Mitchell", 6,356,933).

As per claims 3, 13, 15, 40, and 46, Anupam teaches a technique for obtaining and

exchanging information on the World Wide Web including a first and second control (col. 1,

lines 54-67, col. 3, lines 20-23, and Fig. 1).

However, Anupam does not explicitly teach wherein the first and second control comprises

an ActiveX control.

Mitchell teaches an application independent client process that is an ActiveX control

embedded in a HTML page (col. 4, lines 31-35, and Fig. 1).

Therefore, one of ordinary skill in the art at the time the invention was made would have

found it obvious to modify Anupam by specifying that surrogate could include ActiveX

components or controls since the same functionality is achieved.

As per claims 25, 31, 51, and 57, Anupam teaches the invention substantially including the

step of enabling the user of the first and second computer to login comprises:

- providing a script that accepts data input from the user of the first and second computer (col. 1, lines 54-67, col. 2, lines 1-3, col. 3, lines 1-14, lines 20-31, lines 63-67, col. 4, lines 1-5, and col. 5, lines 35-46);

- a login function that generates a login identification and that receives the data input to the script from the user of the first computer, transmitting the data input and login identification to the server, receiving login confirmation or rejection from the server and passing the login confirmation or rejection data to the script (col. 2, lines 52-67, and col. 3, lines 43-56).

- However, Anupam does not explicitly teach an ActiveX control.

Mitchell teaches an application independent client process that is an ActiveX control embedded in a HTML page (col. 4, lines 31-35, and Fig. 1).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to modify Anupam by specifying that surrogate could include ActiveX components or controls since the same functionality is achieved.

As per claims **26**, **33**, **52**, **55**, **59**, and **61**, Anupam teaches the invention substantially as claimed including a method for enabling the user of the first and second computer to synchronize including the step of:

- providing a script that accepts data input from the user of user of the first and second computer (col. 1, lines 54-67, col. 2, lines 1-3, col. 3, lines 1-14, lines 20-31, lines 63-67, col. 4, lines 1-5, and col. 5, lines 35-46).

However, Anupam does not explicitly teach the steps of:

- wherein a script creates an XML feed of the data; and

- providing an ActiveX control defining a synchronization identification and that receives the XML feed from the script, the ActiveX control transmitting the XML feed and synchronization identification to the server.

Mitchell teaches using an ActiveX control to interpret XML data and synchronizing information messages between AICP and application independent server process (AISP) comprising:

- wherein the script creates an XML feed of the data (col. 4, lines 32-38, and col. 6, lines 18-24); and

- providing an ActiveX control defining a synchronization identification and that receives the XML feed from the script, the ActiveX control transmitting the XML feed and synchronization identification to the server (col. 4, lines 32-38, and col. 7, lines 34-46).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to modify Anupam by specifying that surrogate could include ActiveX components or controls that interpret XML data to respond to requests from the client to attached server components, maintains a connection, and tracks context on the web server.

As per claims **29** and **35**, Anupam teaches the invention substantially as claimed including a method for enabling the user of the first and second computer to send an instant message including the step of:

- providing a script that accepts data input from the user of user of the first and second computer (col. 1, lines 54-67, col. 2, lines 1-3, col. 3, lines 1-14, lines 20-31, lines 63-67, col. 4, lines 1-5, and col. 5, lines 35-46).

However, Anupam does not explicitly teach the steps of:

- wherein a script creates an XML feed of the data; and

- providing an ActiveX control defining a synchronization identification and that receives
  the XML feed from the script, the ActiveX control transmitting the XML feed and
  synchronization identification to the server.

Mitchell teaches using an ActiveX control to interpret XML data and synchronizing
information messages between AICP and application independent server process (AISP)
comprising:

- wherein the script creates an XML feed of the data (col. 4, lines 32-38, and col. 6, lines
  18-24); and

- providing an ActiveX control defining a synchronization identification and that receives
  the XML feed from the script, the ActiveX control transmitting the XML feed and
  synchronization identification to the server (col. 4, lines 32-38, and col. 7, lines 34-46).

Therefore, one of ordinary skill in the art at the time the invention was made would have
found it obvious to modify Anupam by specifying that surrogate could include ActiveX
components or controls that interpret XML data to respond to requests from the client to attached
server components, maintains a connection, and tracks context on the web server.

As per claims 27 and 53, Anupam teaches the invention substantially as claimed including a
method wherein Internet navigation is carried out by the user of the first computer in connection
with an Internet browser (col. 4, lines 18-29), and wherein said step of controlling the navigation
comprises:

- providing a browser helper object (BHO) control for receiving a navigation message from the Internet browser when the user of the first computer navigates from a first Internet web page to a second Internet web page (col. 4, lines 18-29, and lines 41-43);

- providing a script for receiving the navigation message from the BHO control (col. 3, lines 5-14, and lines 20-31).

However, Anupam does not explicitly teach the steps of:

- creating an XML feed of navigation message; and

- providing an ActiveX control defining a synchronization identification and that receives the XML feed from the script, the ActiveX control transmitting the XML feed and synchronization identification to the server to control the Internet navigation of the second computer based upon the Internet navigation of the first computer.

Mitchell teaches using an ActiveX control to interpret XML data and synchronizing information messages between AICP and application independent server process (AISP) comprising:

- creating an XML feed of navigation message (col.4, lines 32-38, and col. 6, lines 18-24); and

- providing an ActiveX control defining a synchronization identification and that receives the XML feed from the script, the ActiveX control transmitting the XML feed and synchronization identification to the server to control the Internet navigation of the second computer based upon the Internet navigation of the first computer (col.4, lines 32-38, and col. 7, lines 34-46).

Therefore, one of ordinary skill in the art at the time the invention was made would have

found it obvious to modify Anupam by specifying that surrogate could include ActiveX

components or controls that interpret XML data to respond to requests from the client to attached

server components, maintains a connection, and tracks context on the web server.

As per claims **28** and **54**, Anupam discloses:

- wherein the navigation message comprises a URL for the second internet web page (col.

  4, lines 18-26).

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

   U. S. Patent No. 6,360,250 to Anupam et al.

   U. S. Patent No. 5,991,796 to Anupam et al.

   U. S. Patent No. 6,411,989 to Anupam et al.

   U. S. Patent No. 6,070,185 to Anupam et al.

   U. S. Patent No. 6,353,851 to Anupam et al.

   U. S. Patent No. 6,360,250 to Anupam et al.

   U. S. Patent No. 6,175,842 to Kirk et al.

   U. S. Patent No. 6,240,444 to Fin et al.

   U. S. Patent No. 5,790,798 to Beckett et al.

   U. S. Patent No. 5,941,957 to Ingrassia et al.

   U. S. Patent No. 5,951,652 to Ingrassia et al.

U. S. Patent No. 5,954,798 to Shelton et al.

U. S. Patent No. 5,623,656 to Lyons.

U. S. Patent No. 6,295,551 to Roberts et al.

U. S. Patent No. 6,223,188 to Albers et al.

U. S. Patent No. 5,732,219 to Blumer et al.

U. S. Patent No. 6,188,400 to House et al.

U. S. Patent No. 6,256,635 to Arrouye et al.

U. S. Patent No. 6,356,882 to Carroll et al.

U. S. Patent No. 6,035,264 to Donaldson et al.

U. S. Patent No. 6,188,401 to Peyer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 703-305-7494. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.
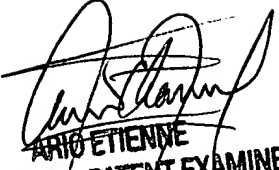
LaShonda T. Jacobs
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January 16, 2003

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